courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 14/09/2026

(2022) 11 MP CK 0095

In the Madhya Pradesh High Court

Case No : Writ Petition No. 27239 Of 2022

Gulab Singh And Others — APPELLANT

Vs

State Of Madhya Pradesh And Others — RESPONDENT

Date of Decision : 25-11-2022

Acts Referred:
Constitution Of India, 1950 — Article 226
Madhya Pradesh Land Revenue Code, 1959 — Section 46(b), 50, 50(2)(a), 131, 131(1), 134, 173, 234, 239, 240, 241, 242, 244, 248

Citation : (2022) 11 MP CK 0095

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Harshwardhan Sharma, Govind Purohit

Final Decision : Disposed Of

Judgement

Subodh Abhyankar, J

This writ petition has been filed by the petitioners under Article 226 of the Constitution of India assailing the order passed by the Additional Collector, District Indore dismissing the revision preferred by the petitioners under Section 50 of the M.P. Land Revenue Code, 1959 (hereinafter referred to as the "Code") being aggrieved by the order passed on 03/11/2022 by the Sub Divisional Officer. The order dated 03/11/2022 was passed in an appeal preferred against the order dated 13/09/2021 arising out of an application filed under Section 131 of the Code, which provides for rights of way and other private easements. The revision has been rejected by the Additional Collector only on the ground of its maintainability, as it is held that since the order impugned is appealable, the same is barred under Section 50(2)(a) of the Code.

Counsel for the petitioners has submitted that the Additional Collector has lost sight of the fact that the original order was passed on an application filed under Section 131 of the Code and as per Section 46(b), no second appeal lies from an order passed in first appeal against an order passed under the provisions of sub

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/gulab-singh-and-others-appellant-…

Section (1) of Sections 131, 134, 173, 234, 239, 240, 241, 242, 244 and 248. Thus, it is submitted that the impugned order is liable to be quashed only on this ground as the revision filed by the petitioners was maintainable.

Learned counsel for the State has not opposed the aforesaid legal aspect of the matter.

On due consideration of submissions and perusal of the documents filed

on record, this Court finds force with the contentions raised by the counsel for the petitioners and is of the opinion that as the original order was passed on an application filed under Section 131 of the Code by one Chatar Singh who is not made a party/respondent in this petition, although counsel for the petitioners submits that due to typographical error, the name of Chatar Singh could not be mentioned in place of respondent No.4. Be that as it may, since the petition is being allowed purely on a legal ground, no prejudice would be caused to the said Chatar Singh, as the matter is being remanded back to the Additional Collector to decide the revision filed by the petitioner under Section 50 and an application for stay of the execution order, in accordance with law. Till the petitioners' application for stay is decided by the Additional Collector, no coercive action shall be taken against the petitioners. It is also made clear that if any adverse order is passed against the petitioners, it should not be implemented for a further period of 10 days, so that the petitioners may take recourse of remedy available to them under the law.

With the aforesaid direction, the writ petition is disposed of.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/gulab-singh-and-others-appellant-…